

**ASSEMBLY, No. 6208**

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**STATE OF NEW JERSEY**

**219th LEGISLATURE**

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INTRODUCED DECEMBER 9, 2021

**Sponsored by:**

**Assemblywoman GABRIELA M. MOSQUERA**

**District 4 (Camden and Gloucester)**

**Assemblyman WAYNE P. DEANGELO**

**District 14 (Mercer and Middlesex)**

**Assemblyman JOHN ARMATO**

**District 2 (Atlantic)**

**Senator LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**Senator NILSA I. CRUZ-PEREZ**

**District 5 (Camden and Gloucester)**

**Co-Sponsored by:**

**Assemblymen Freiman, Wirths and Space**

**SYNOPSIS**

Appropriates \$60,940,361 from constitutionally dedicated CBT revenues to State Agriculture Development Committee for farmland preservation purposes.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 1/10/2022)**

1 AN ACT appropriating \$60,940,361 from various farmland  
2 preservation funds to the State Agriculture Development  
3 Committee for farmland preservation purposes.  
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*  
7

8 1. a. There is appropriated to the State Agriculture  
9 Development Committee the sum of \$45,515,361 in the amounts,  
10 set forth in paragraphs (1) through (2) of this subsection, to pay the  
11 cost of acquisition by the committee of development easements on,  
12 or fee simple titles to, farmland, to provide grants to counties and  
13 municipalities for up to 80 percent of the cost of acquisition of fee  
14 simple titles to farmland, to provide grants to qualifying tax-exempt  
15 non-profit organizations for up to 50 percent of the cost of  
16 acquisition of fee simple titles to farmland, for farmland  
17 preservation purposes for projects approved as eligible for such  
18 funding pursuant to the “Agricultural Retention and Development  
19 Act,” P.L.1983, c.32 (C.4:1C-11 et seq.), the “Garden State  
20 Preservation Trust Act,” P.L.1999, c.152 (C.13:8C-1 et seq.), and  
21 the “Preserve New Jersey Act,” P.L.2016, c.12 (C.13:8C-43 et  
22 seq.):

23 (1) \$45,328,760 from dedicated corporation business tax  
24 revenues pursuant to Article VIII, Section II, paragraph 6 of the  
25 State Constitution from the “Preserve New Jersey Farmland  
26 Preservation Fund,” established pursuant to section 8 of the  
27 “Preserve New Jersey Act,” P.L.2016, c.12 (C.13:8C-50). Of the  
28 amount appropriated pursuant to this paragraph, the sum of  
29 \$3,578,886 is available due to interest earnings on the dedicated  
30 corporation business tax revenues pursuant to Article VIII, Section  
31 II, paragraph 6 of the State Constitution; and

32 (2) \$186,601 from the “Garden State Farmland Preservation  
33 Fund,” established pursuant to section 20 of P.L.1999, c.152  
34 (C.13:8C-20).

35 b. Any farmland acquired in fee simple with monies  
36 appropriated pursuant to this section shall be offered for resale or  
37 lease with agricultural deed restrictions approved by the committee.  
38

39 2. There is appropriated from the “Preserve New Jersey  
40 Farmland Preservation Fund,” established pursuant to section 8 of  
41 the “Preserve New Jersey Act,” P.L.2016, c.12 (C.13:8C-50), from  
42 the “2009 Farmland Preservation Fund,” established pursuant to  
43 section 18 of the “Green Acres, Water Supply and Floodplain  
44 Protection, and Farmland and Historic Preservation Bond Act of  
45 2009,” P.L.2009, c.117, from the “2007 Farmland Preservation  
46 Fund,” established pursuant to section 18 of the “Green Acres,  
47 Farmland, Blue Acres, and Historic Preservation Bond Act of  
48 2007,” P.L.2007, c.119, from the “Garden State Farmland

1 Preservation Trust Fund,” established pursuant to section 20 of  
2 P.L.1999, c.152 (C.13:8C-20), from the “1999 Open Space Fund,”  
3 established pursuant to the “Open Space – Local Match Program of  
4 the Fiscal Year 1999 annual appropriations act,” P.L.1998, c.45,  
5 from the “1995 Farmland Preservation Fund,” established pursuant  
6 to section 25 of the “Green Acres, Farmland and Historic  
7 Preservation, and Blue Acres Bond Act of 1995,” P.L.1995, c.204,  
8 from the “1992 Farmland Preservation Fund,” established pursuant  
9 to section 24 of the “Green Acres, Clean Water, Farmland and  
10 Historic Preservation Bond Act of 1992,” P.L.1992, c.88, from the  
11 “1989 Farmland Preservation Fund,” established pursuant to section  
12 22 of the “Open Space Preservation Bond Act of 1989,” P.L.1989,  
13 c.183, and from the “Farmland Preservation Fund,” established  
14 pursuant to section 5 of the “Farmland Preservation Bond Act of  
15 1981,” P.L.1981, c.276, to the State Agriculture Development  
16 Committee such sums from any additional proceeds which may  
17 become available by the effective date of this act due to the lease or  
18 conveyance of land or development easements acquired or funded  
19 by the committee, for the purpose of providing for the cost of  
20 acquisition by the committee of development easements and fee  
21 simple titles to farmland for farmland preservation purposes  
22 pursuant to subsection a. of section 1 of this act.

23 Any farmland acquired in fee simple with monies appropriated  
24 pursuant to this section shall be offered for resale or lease with  
25 agricultural deed restrictions approved by the committee.  
26

27 3. There is appropriated to the State Agriculture Development  
28 Committee the sum of \$3,325,000 from the “Preserve New Jersey  
29 Farmland Preservation Fund,” established pursuant to section 8 of  
30 the “Preserve New Jersey Act,” P.L.2016, c.12 (C.13:8C-50), for  
31 the purpose of providing grants for stewardship activities as defined  
32 pursuant to section 3 of P.L.2016, c.12 (C.13:8C-45), including soil  
33 and water conservation project activities approved pursuant to  
34 section 17 of P.L.1983, c.32 (C.4:1C-24) and deer-fencing activities  
35 approved pursuant to section 5 of P.L.1983, c.32 (C.4:1C-5).

36 Of the amount appropriated pursuant to this section, the sum of  
37 \$126,241 is available due to interest earnings on the dedicated  
38 corporation business tax revenues pursuant to Article VIII, Section  
39 II, paragraph 6 of the State Constitution.  
40

41 4. There is appropriated to the State Agriculture Development  
42 Committee the sum of \$12,100,000 from the “Preserve New Jersey  
43 Farmland Preservation Fund,” established pursuant to section 8 of  
44 the “Preserve New Jersey Act,” P.L.2016, c.12 (C.13:8C-50), as  
45 follows:

46 a. \$10,000,000 for the purpose of providing funding for  
47 organizational, administrative, and other work and services,  
48 including salaries, equipment, materials, and services necessary to

1 administer the applicable provisions of P.L.2016, c.12 (C.13:8C-43  
2 et seq.);

3 b. \$1,000,000 for the purpose of providing funding for costs  
4 associated with the acquisition of development easements on  
5 farmland by the committee, including, but not limited to, appraisal,  
6 survey, and title costs;

7 c. \$100,000 for the purpose of providing for the review of  
8 appraisals for farmland preservation programs administered by the  
9 committee pursuant to P.L.2016, c.12 (C.13:8C-43 et seq.); and

10 d. \$1,000,000 for the purpose of providing planning grants to  
11 counties and municipalities for the development of a farmland  
12 preservation plan element for the farmland preservation planning  
13 incentive grant program established pursuant to section 1 of  
14 P.L.1999, c.180 (C.4:1C-43.1).

15

16 5. There is appropriated from the General Fund to the  
17 “Preserve New Jersey Farmland Preservation Fund,” established  
18 pursuant to section 8 of the “Preserve New Jersey Act,” P.L.2016,  
19 c.12 (C.13:8C-50), the sum of \$60,753,760 to implement the  
20 provisions of this act.

21

22 6. The expenditure of the sums approved by this act is subject  
23 to the provisions and conditions of P.L.2016, c.12 (C.13:8C-43 et  
24 seq.), P.L.2009, c.117, P.L.2007, c.119, P.L.1999, c.152 (C.13:8C-1  
25 et seq.), P.L.1998, c.45, P.L.1995, c.204, P.L.1992, c.88, P.L.1989,  
26 c.183, P.L.1983, c.32 (C.4:1C-11 et seq.), and P.L.1981, c.276, as  
27 appropriate.

28

29 7. This act shall take effect immediately.

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32

#### STATEMENT

33

34 This bill appropriates \$60,940,361 from various farmland  
35 preservation funds to the State Agriculture Development Committee  
36 (SADC) for certain farmland preservation purposes.

37 Of the funding provided by the bill, \$45,515,361 is appropriated  
38 to the SADC to pay the cost of acquisition by the SADC of  
39 development easements on, or fee simple titles to, farmland, to  
40 provide grants to counties and municipalities for up to 80 percent of  
41 the cost of acquisition of fee simple titles to farmland, and to  
42 provide grants to qualifying tax exempt nonprofit organizations for  
43 up to 50 percent of the cost of acquisition of fee simple titles to  
44 farmland, for farmland preservation purposes for projects approved  
45 as eligible for such funding pursuant to: the “Agricultural  
46 Retention and Development Act”; the “Garden State Preservation  
47 Trust Act”; and the “Preserve New Jersey Act.”

1       Of the \$45,515,361 provided in section 1 of the bill for the  
2 acquisition of fee simple titles and development easements to  
3 farmland: \$45,328,760 is from constitutionally dedicated  
4 corporation business tax (CBT) revenues in the “Preserve New  
5 Jersey Farmland Preservation Fund” established pursuant to the  
6 “Preserve New Jersey Act” and \$186,601 is from the “Garden State  
7 Farmland Preservation Fund” established pursuant to the “Garden  
8 State Preservation Trust Act.”

9       In addition, this bill appropriates \$3,325,000 from the “Preserve  
10 New Jersey Farmland Preservation Fund” to the SADC for the  
11 purpose of providing stewardship grants for activities, beyond  
12 routine operation and maintenance, undertaken by landowners, or  
13 farm operators as agents for landowners, to repair, restore, or  
14 improve lands preserved for farmland preservation purposes,  
15 including soil and water conservation project activities and deer-  
16 fencing activities.

17       The appropriations in this bill for the acquisition of fee simple  
18 titles and development easements to farmland and for stewardship  
19 grants have been approved by the SADC and the Garden State  
20 Preservation Trust.

21       The bill also appropriates to the SADC such sums from any  
22 additional proceeds which may become available by the effective  
23 date of the bill due to the lease or conveyance of farmland  
24 previously acquired in fee simple by the SADC, for the purpose of  
25 providing for the cost of acquisition by the SADC of development  
26 easements and fee simple titles to farmland for farmland  
27 preservation purposes.

28       This bill also appropriates from the “Preserve New Jersey  
29 Farmland Preservation Fund” to the SADC: \$10 million for  
30 organizational, administrative, and other work and services,  
31 including salaries, equipment, materials, and services necessary to  
32 administer the applicable provisions of the “Preserve New Jersey  
33 Act”; \$1 million for costs associated with administering the direct  
34 easement program; \$100,000 for costs associated with the review of  
35 appraisals; and \$1 million for the purpose of providing grants to  
36 counties and municipalities for the development of farmland  
37 preservation plan elements as required by law for the farmland  
38 preservation planning incentive grant program.

39       The “Preserve New Jersey Act,” P.L.2016, c.12 (C.13:8C-43 et  
40 seq.), implements the constitutional dedication of CBT revenues  
41 pursuant to Article VIII, Section II, paragraph 6 of the State  
42 Constitution, approved by the voters of the State in November  
43 2014, for open space, farmland, and historic preservation. The  
44 “Preserve New Jersey Farmland Preservation Fund” was established  
45 pursuant to section 8 of the “Preserve New Jersey Act.” Of the  
46 funding in this bill, \$60,753,760 is from these constitutionally  
47 dedicated CBT revenues.